

BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES BOARD OF FORESTRY AND FIRE PROTECTION July 13 and 14, 2004 Sacramento, California

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Mark Bosetti
Susan Britting
David Nawi
Tharon O'Dell
Gary Ryneerson

BOARD MEMBER ABSENT

Kirk Marckwald, Vice Chair

BOARD STAFF PRESENT:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Foresters Licensing
Donna Stadler, Executive Assistant
Chris Zimny, Regulations Coordinator
Mark Hite, Committee Staff

DEPARTMENTAL STAFF PRESENT:

Dale Geldert, Director, Forestry and Fire Protection
Bill Snyder, Deputy Director, Resource Management

CALL TO ORDER

Chairman Dixon called the July 2004 meeting to order.

REPORT OF EXECUTIVE SESSION

Mr. George Gentry, Executive Officer for the Board, commented that there were no items to report from the Board's Executive Session.

APPROVAL OF MINUTES

Chairman Dixon asked the Board to consider approval of the June 2004 minutes.

04-7-1 Ms. Britting moved to approve the June 2004 minutes as amended. Mr. Rynearson seconded the motion, and all were in favor with Member Nawi abstaining.

CONSENT CALENDAR

There was nothing to report.

REPORT OF THE CHAIRMAN

Chairman Dixon reported that he met with the new Director, and noted that the Director would be speaking to the Board later in the day.

PRESENTATION ON THE BLUE RIBBON COMMISSION REPORT

Ms. Karen Scarborough, Resources Agency, reported on the Blue Ribbon Commission Action Plan. She indicated that three subjects are being reviewed by the Governor's Office. She reviewed those for the Members and commented that the Commission is trying to make it a proactive governor's plan.

Chairman Dixon wanted to know if she could come back in August for an update.

Ms. Scarborough indicated that she would be able to provide an update in August or September.

REPORT OF THE OAK MORTALITY TASK FORCE (COMTF)

Mr. Mark Stanley reported for the COMTF. He reviewed the COMTF report in the Board's binder. A copy of that report is available at: <http://suddenoakdeath.org>

DECLARATION OF THE LAKE COUNTY SUDDEN OAK DEATH ZONE OF INFESTATION

Mr. Stephen Jones, CDF Resource Management, provided handouts and reviewed them for the Board. He referred to the Sudden Oak Death Zone of Infestation report in the Board's binder and reviewed it for the Members. He also reviewed the Resolution: "Declaration of A Revised Zone of Infestation for Sudden Oak Death", and asked for Board approval.

04-7-2 Mr. Rynearson moved to adopt the Declaration of the Lake County Sudden Oak Death Zone of Infestation, and that as future counties are identified by the California Department of Food and Agriculture, they will be added as well. Ms. Britting seconded the motion, and all were in favor.

REPORT OF THE DIRECTOR

Mr. Bill Snyder, Deputy Director of Resource Management, introduced the new Director of the Department of Forestry and Fire Protection, Chief Dale Geldert.

Mr. Dale Geldert, Director of the California Department of Forestry and Fire Protection (CDF), commented that it was a pleasure to be present and he was looking forward to working with the Board. He expressed his desire that

the Board and the Department work in concert. He asked for patience from the Members as he works through this transition period.

Director Geldert reviewed the current fire situation for the Board and indicated that Staff Chief Ernylee Chamlee would provide a full report.

Chairman Dixon commented that he enjoyed meeting with the Director and encourages the idea of open communication with the Department.

Director Geldert commented that he would be in the audience instead of the dais in respect to the Board and its position.

Mr. Nawi wanted to know if the Director has had the opportunity to look into budget issues.

Director Geldert commented that the Department was working on budget issues and he would provide the Board with a report next month.

Mr. O'Dell offered his congratulations to the new Director.

Ms. Ernylee Chamlee , Staff Chief for Fire Protection, provided a briefing of current fires for the Board.

REPORT OF THE ADVISORY COMMITTEES

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. Eric Huff, Executive Officer for the Board, referred to the Board's binder and the list of Registered Professional Foresters and Certified Rangeland Managers requesting license withdrawal, per 14 CCR§ 1608(a); they are as follows: William A. Baker, RPF 1226; Carrie A. Morgan, RPF 2660; Glenn M. More, RPF 1286; Fred Imhoff, RPF 1710; Robert Crummett, RPF 2584; James Hordyk, RPF 1880; Thomas Randolph, RPF 1732; Matt Etzenhouser, RPF 2682; Joseph Kent, RPF 1738; Larry Larson, RPF 550; Michael Evans, RPF 1896; Darrell Schroeder, RPF 352; Carl Hayward, RPF 2488; Christopher West, RPF 2320; Robert E. Fehly, RPF 1508; Joseph Kosak, RPF 2310; Raymond Flynn, RPF 292; David Wise, RPF 2000; Stephen Davis, RPF 2102; Walter Leonard, RPF 220; Philip Langley, RPF 228; Steven Langager, RPF 2434; Alfred Beeson, RPF 1686; Woodbury Bunnell, RPF 286; Lee Bennion, RPF 2006; Lawrence Jensen, RPF 1668; Robert Cates, RPF 140; Ted Lucrezi, RPF 1998; and Raymond Ratfliff, CRM 2.

04-7-3 Mr. Rynearson moved to accept the request for withdrawal as presented. Mr. Nawi seconded the motion, and all were in favor.

Mr. Huff commented that the following Registered Professional Foresters have requested license reinstatement from withdrawal status, per 14 CCR § 1608(d): Leo Hession, RPF 1919; and Ralph Walden, RPF 1617.

04-7-4 Mr. Rynearson moved to approve the request for reinstatement as presented. Mr. Nawi seconded the motion, and all were in favor.

Mr. Huff reported that the following have met the requirements of PRC §769 for licensing as Registered Professional Foresters: Loren Camper, RPF 2780; Daniel Porter, RPF 2783; Jenny Whitaker, RPF 2786; Scott Worden, RPF 2785; Jason Serna, RPF 2779; Ryan Hilburn, RPF 2782; Cheyenne Borello, RPF 2784; and Mark Distefano, RPF 2781.

04-7-5 Mr. O'Dell moved to approve the above as newly licensed Registered Professional Foresters. Mr. Rynearson seconded the motion, and all were in favor.

Mr. Huff noted the passing of Registered Professional Foresters Larry Mason, RPF 1874; and Robert Cary, RPF 1082.

CALIFORNIA FOREST PEST COUNCIL (CFPC)

Mr. Roy Richards provided the report of the CFPC. He referred to his handout and noted that the CFPC's Insect and Disease Committee's Field meeting would be August 25, 2004, at the Sequoia National Forest and the Giant Sequoia National Monument. He announced that the CFPC's Weed Committee would be meeting next week and that the CFPC's Annual meeting would be held in November 2004.

PUBLIC HEARING ON 45-DAY NOTICE OF PROPOSED RULEMAKING; TRANSITION SILVICULTURE 2004

Mr. Chris Zimny, Board's Regulations Coordinator, provided an overview for the Board. He noted that during the June meeting, there was a hearing on the 45-Day Notice, and the Board requested Board staff, Members from the Forest Practice Committee, CDF, and the chief proponent of this package to work on resolving some issues and prepare a 15-Day Notice. Since that 15-Day Notice went out, the proponent and the Department still have some differences. He reviewed the changes in the 15-Day Notice, which was in the Board's binder.

Mr. Bill Snyder, Deputy Director for Resource Management, referred to the Department's July 9, 2004, letter in the Board's binder, which is in support of the proposed changes in the 15-Day Notice. He indicated that he would be available for questions.

There was some discussion.

Mr. Roy H. Richards, Jr., chief proponent, referred to his letter to the Board, dated July 7, 2004, concerning the language in the 15-Day Notice and reviewed it for the Members. He commented that if the Board cannot see its way to adopt this package today, then he would like to see it go back to Committee for further discussion. Even if it takes another year, he believes that these issues can be worked out with CDF's participation.

Chairman Dixon wanted the chairperson for the Forest Practice Committee (FPC) to respond.

Ms. Britting commented that the Committee is willing to continue working with the proponent.

Public comments

Mr. Chad Arseneau, California Licensed Foresters Association (CLFA), commented that CLFA was in support of this package, with Roy Richard's changes.

Mr. Dan Weldon, Forest Landowners of California (FLOC), commented that FLOC was in support of the package, with Roy Richard's changes and encouraged the FPC to continue its work on the package.

Chairman Dixon asked Board's Counsel if the public hearing should be left open, and Counsel indicated that it should.

There was some further discussion.

No action was taken on this proposed rule package, and the matter was sent back to committee for further discussion.

REPORT OF FEDERAL AGENCIES; INCLUDING USDA FOREST SERVICE, NATIONAL MARINE FISHERIES SERVICE, US FISH & WILDLIFE SERVICE, AND US ENVIRONMENTAL PROTECTION AGENCY

Mr. Mike Chapel, USDA Forest Service, provided a handout for the Members. He reported that the Regional Forester, Jack Blackwell, met with Director Geldert to get acquainted and talk about fire readiness. He commented that five of the P3 Orions were back in service by the 4th of July weekend. Two more have been

approved and are in service this week with another expected to become available by August 9, 2004. This means that all eight Orions are expected to be certified and available for service by early August. He briefed the Board on the status of the thirty-three ships that had been decertified. An announcement regarding the P2 Vs should be out next week.

Mr. Chapel announced that two pieces of a newly proposed rule would be placed in the Federal Register today dealing with the management of roadless areas in National Forests. The first piece of the rule would carry forward the interim directive that was brought forward by the Clinton Administration. There is now a new rule out that would extend that directive for 18 months. The second part of the package provides an opportunity for state governors to influence roadless area management in the National Forests in a way that has not been practiced before. The opportunity is for governors to petition the Forest Service on a state-by-state basis for the kinds of practices that the state believes are appropriate for roadless area management on the National Forests in their state. There is a 60-day comment period on this proposed rule package.

Mr. Chapel then commented on a pilot program for the California Biodiversity Program (CBC), which he and Dr. Bill Stewart have been staffing. He provided a handout on the CBC Fuels Management Coordination Pilot for the Santa Ana River Watershed and reviewed it for the Members.

There was some discussion.

DISCUSSION REGARDING THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND MANAGEMENT PLAN FOR JACKSON DEMONSTRATION STATE FOREST

Chairman Dixon introduced the topic.

Mr. George Gentry, Executive Officer for the Board, provided some background and read the discussion draft into the record.

Chairman Dixon commented that the discussion draft and matrix had been sent to the Members last week.

There was some discussion.

Mr. Gentry indicated that the administrative draft environmental impact report (DEIR) should be ready for the Board's review by the end of September; in November, the Board can make its determination and send it out to 45-Day Notice, which would make it ready for further discussion in January 2005. He commented that the Committee had reviewed a more detailed plan and the Department has worked to be sure that all the tasks for this project had been assigned to the appropriate staff members along with timelines and due-dates.

Mr. Christopher Rowney, Deputy Chief, Resource Management, commented that the Department has been working diligently on that effort.

Mr. Nawi wanted to know if the administrative DEIR would be available to the Committee prior to coming before the Board.

Mr. Gentry indicated that it would.

Public comments

Mr. Richard Gienger requested a copy of the draft alternatives document.

Mr. Paul Mason, Sierra Club, noted that the alternatives in (f) is a blending of the Chesbro bill as well as extensive comments presented by the Sierra Club so the detail goes beyond what is in the Chesbro bill. He is waiting for the Department's reasoning for opposing SB 1648.

Mr. Gentry commented that the alternative (f) does reflect two different things; the Sierra Clubs scoping comments and 1648 as well.

Mr. Mason commented that the Sierra Club chose to combine those alternatives for the purpose of this draft document.

UPDATE ON FOREST PROTOCOL GUIDANCE FOR THE CALIFORNIA CLIMATE ACTION REGISTRY

Mr. Bill Snyder, Deputy Director for Resource Management, provided some background and a Power-Point Presentation for the Board regarding forest carbon accounting rules and guidelines and the predicted impacts of global warming as it relates to California.

Ms. Michelle Passero, Policy Director for the Pacific Forest Trust, provided a Power-Point presentation regarding Senator Byron Sher's 2002 bill SB 812. The bill instructs the California Climate Action Registry to develop reporting and certification protocols for forest sector. She reviewed those for the Members. She commented that it is the hope of the Registry that the Board can support these protocols at its next meeting.

There was some discussion.

CONTINUED REPORT OF THE ADVISORY COMMITTEES

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Mr. Jeff Stephens, RMAC staff, reported on the Oak Woodland Forum held on April 26 and 27, 2004, which was conducted by RMAC. RMAC then followed-up with a conference call to discuss 40 to 50 significant points that were identified during the Oak Forum through testimony received from interest groups, agencies, and business representatives throughout the state. In June, RMAC met and devoted most of the meeting to the Oak Woodlands issue. RMAC will convene on August 24 and 25, 2004, to finalize the report for presentation to the PMC and the RPC at the September Board meeting.

MONITORING STUDY GROUP (MSG)

Mr. O'Dell, Chair of the MSG, commented that the MSG had not met since the last Board meeting. He referred to the MSG's July report in the Board binder and reviewed it for the Members. The report covered Cooperative Instream Monitoring Projects and the Modified Completion Report Monitoring. The next MSG meeting will be on September 16, 2004. A copy of his report is available at: www.bof.fire.ca.gov/board.

STANDING COMMITTEES OF THE BOARD

RESOURCE PROTECTION COMMITTEE MEETING (RPC)

Mr. Mark Bosetti, Chair of the RPC, commented that the Committee received a report from the Department regarding the Vegetation Management Program (VMP). It was reported that there was a lot of activities in Tehama County regarding the Nature Conservancy and Dye Creek Preserve geared toward range and noxious weed control. There are also VMP projects going on in Southern California; the Tuolumne-Calaveras Unit, the Johnson Ranch VMP in the Temecula area, Lake Mathews VMP in the Riverside Unit, and the Pioneer VMP in Tuolumne-Calaveras County. There was some discussion regarding the Vegetation Management Programmatic EIR and where the Department was relative to reviving it; currently the Department is looking for funding.

Mr. Bosetti commented that there was an update on the SRA fee regulations and there has been a rumor that there had been resolution on the fee issue, which has not been substantiated. The Department is proceeding with the implementation of the fees by sending out draft agreements to counties for fee collection. There is a hearing

on the fee adoption and regulation scheduled for next week. The Court date for the suit brought by the Farm Bureau is set for July 30, 2004.

Mr. Bosetti commented that there was some discussion regarding fire protection regulations pertaining to power-line clearances. The Department is proposing some changes to the existing regulations. The Committee has asked staff to clarify whether those regulatory changes are in the purview of the Board or if they are Departmental regulations. The Southern Region Unit Chief provided updates on administrative changes that are being made within the Department.

POLICY AND MANAGEMENT COMMITTEE (PMC)

Mr. O'Dell, Chair of the PMC, commented that due to the absence of other Committee Members, the discussion related to the FRAP report was postponed. There was some information available for Board Members to peruse. The hearing that was supposed to be in August would have to be scheduled for a later date. However, he believes that there will still be time to complete this task.

Mr. O'Dell commented that the Department expressed some concern it has regarding the Variable Retention Rule and stand age and stocking issues. There was a presentation by the Pacific Lumber Company (PL) about how they are applying Variable Retention on their properties. The Department is willing to continue to work with the major user of this approach on the Coast to refine how the rule is applied and to get a better understanding by the applicants, submitters, and the Department. Ex-member Heald, the major proponent of this regulation, was in attendance and was able to provide his thoughts about the original intent of this regulation.

Mr. O'Dell commented that the Committee was briefed on the Oak Woodland issue. A draft report, which is a blended document, will be discussed at the RMAC meeting in August, and the PMC will receive a copy of the draft recommendations and findings in September.

Mr. O'Dell commented that the Committee had a discussion regarding performance-based rules. There was some discussion regarding a pilot approach, but the Department believes that a pilot study would be too long to follow in order to get the feedback on whether that approach would be a workable solution; they want it to be a little more of a comprehensive approach. CDF will meet tomorrow with the Department of Fish and Game to see if they could support a performance-based approach. He indicated that this is an ongoing agenda item.

Ms. Britting wanted to know, regarding the Variable Retention, if the stand-age was too young or too old.

Mr. O'Dell indicated that it was too young.

REPORT OF THE SENSITIVE WATERSHED NOMINATIONS REVIEW COMMITTEE (SWNRC)

Mr. O'Dell, Chair of the SWNRC, commented that the SWNRC met on July 7, 2004, which was a one-day session to allow the petitioner's an opportunity to present their petitions; two members of the Screening Committee were absent. This meeting was a comprehensive review of the Elk River Watershed from the Water Board's perspective.; there also was participation from the audience. He commented that he referred the petition to the Screening Committee and its staff to look at it for completeness and to try to determine if they need more information. The Committee did not go on a field tour as previously indicated. The Screening Committee will meet again on September 23, 2004, at Spruce Point.

Mr. Nawi referred to a letter from the Humboldt Watershed Council (HWC), dated July 13, 2004. The letter expressed the HWC's concerns regarding the SWNRC process, and he asked for some discussion regarding those concerns.

Mr. Gienger commented on the Review process and reviewed the HWC letter for the Members. The letter suggested some ways in which the process could be improved. The HWC will hold a workshop in August 2004 to develop recommendations for an objective and transparent sensitive watershed nominating process and will provide recommendations to the SWNRC in September.

There was some discussion regarding the membership of the SWNRC.

Mr. O'Dell commented that there were a number of qualified people that were contacted to serve on the SWNRC, but did not have the time to devote to the Committee. He believes that it is an open process and is confident that the Committee can reach an informed decision.

Chairman Dixon asked Member O'Dell if during the process interested public have the opportunity to interact with members of the Committee.

Mr. O'Dell commented that the public was encouraged to participate in the discussions.

Mr. Nawi commented that the Legislature has determined that industry representatives were appropriate to serve on this Board. He expressed his confidence that Member O'Dell was objective and would do a thorough job. He would like to get a copy of the Committee membership roster with their affiliations.

Chairman Dixon commented that that information had been made available to the Members, but that it could be provided again.

Mr. Nawi reminded the Board that the HWC had requested time on the Board's September agenda and asked Member O'Dell's opinion of the timing of that request.

Mr. O'Dell commented that the SWNRC would not be far enough in its process by the September Board meeting to have that a meaningful presentation. The next SWNRC meeting is scheduled for September 23, 2004.

Ms. Britting believed that the HWC was proposing having a workshop in August. She believed that the information could be useful as far as the process. She commented that there was some type of criteria that was used in establishing the membership and suggested that a matrix could be made showing the membership and the criteria that they satisfied.

Chairman Dixon indicated that he did not want the Committee to lose interest and have the process get bogged down.

Mr. Nawi believed that the process does not have the confidence of the public. He would like to have the HWC share its views and for the public to have confidence in the process.

Chairman Dixon commented that if Member Nawi had some recommendations as to process that might be appropriate for the Board, he would not object.

Mr. Nawi indicated that he would work closely with the Executive Officer and with Member O'Dell as appropriate.

Chairman Dixon wanted to know if the Board was in okay with Member Nawi looking into the process and they indicated they were.

FOREST PRACTICE COMMITTEE (FPC)

Ms. Sue Britting, Chair of the FPC, commented that the Committee had a discussion regarding the current level of protection of Heritage Trees. The discussion focused on current regulations and whether there are any gaps. The Department of Fish and Game will come back with what it considers a decision tree of wildlife values in large old trees; they will also include some examples. This item would be explored at the FPC's next meeting.

Ms. Britting commented that the Committee discussed the Emergency Fuel Hazard regulation. There was some discussion regarding timelines and how often emergency rules could be renewed and what the Office of Administrative Law has to say on that issue. It was decided that the Committee would bring it to the Board for discussion on how to make this a permanent rule.

Mr. Ryneason commented that, in the opinion of the Department's Counsel, the emergency rule would be over by the end on the 120-day emergency period, however, he believed that it would continue beyond that period.

Ms. Britting believes that issue needs to be dealt with.

Mr. Ryneason wondered if the Board were to issue a second emergency, would it be necessary for another 1052.

AD HOC ROADS AND WATERSHED COMMITTEE

Mr. Ryneason, Chair of the *Ad Hoc* Committee, reported that the Committee received input from the California Geological Society, the Water Resources Board, the Department of Fish and Game, and CDF regarding the Roads package. He believes that the Committee is about 25 percent through the package and will need at least one more full session to complete the process. There was some discussion regarding some new regulations from the North Region Water Quality Control Board involving the requirement for Waste Discharge Report (WDR). Within that regulation, any project that involves timber harvesting would require a WDR. The question is, since the Road Management Plan would be a discretionary permit, would that then become a project as defined under the North Coast requirement for a WDR. If that were the case, it would take basic road management and make it a WDR project. The Committee suggested that that question be asked of both the Board's Counsel and Water Quality's Counsel for an opinion as to whether or not the Road Management Plan would be considered a project as defined. If the answer were no, then the suggestion would be to move forward and try to have a special meeting to continue the review and put out a 45-Day Notice. If the were yes, then there would be a need to come back and have a longer discussion.

Mr. O'Dell commented that there is a need to have the answer to that before the Committee can proceed.

There was some further discussion.

Mr. Nawi wanted to know if the legal opinions would be announced at the next meeting and Member Ryneason indicated that they would be.

REPORT OF THE REGULATIONS COORDINATOR

Mr. Chris Zimny, Regulations Coordinator, referred to the Board's binder and the proposed rulemaking file dates for 2004. He commented that they're had been some significant changes to the document and reviewed those changes for the Members.

There was some further discussion.

Public comment

Mr. Paul Mason, Sierra Club, reported that the LaMalfa bill was going to pass and would be in front of the Board in late August or early September. He suggested that the Board use that bill as a vehicle.

Mr. Bill Keye, California Licensed Forestry Association (CLFA), commented that the next scheduled hearing for the Legislature is August 5, 2004, so there would be no action prior to the Board's next meeting.

There was some further discussion.

EXECUTIVE OFFICERS REPORT

Mr. George Gentry, Executive Officer to the Board, announced that the August Board meeting would be held at 744 P Street, Sacramento. He then reviewed legislation for the Members.

PUBLIC FORUM: Members of the public may address the Board on any topic within its jurisdiction not otherwise on the agenda. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board. Please be prepared to summarize comments to three minutes in length, or otherwise at the discretion of the chairman.

Mr. Richard Gienger reported that the Fish and Game Commission (FGC) postponed its formal listing of Coho Salmon. He expressed his hope that the FGC makes that listing. He encouraged the Board to get to a cumulative impact team approach for watershed evaluation. He reminded the Board that the Buckeye Forest Project would be having a watercourse workshop on August 23, 2004.

The recording was not audible here.

Mr. Paul Mason, Sierra Club, provided an update on the state budget for the Members. He reported that the Timber Harvest Plan Tax has fallen by the wayside and the State Responsibility Area fees program may be re-billed.

NEW AND UNFINISHED BUSINESS

There was no new or unfinished business.

ADJOURNMENT

Chairman Dixon adjourned the July 2004 meeting of the Board.

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.